8:Howell E, G-5 (1942-1944)1954
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as a sorcerer or witch in normal circumstances. Similarly, other categories of magicians and spirit-owners are generally expected to act in the interests of their clients, although in some cases the client may, by paying a fee, gain the assistance of one of them to work witchcraft against his private enemy. Some spirit-owners have an unsavoury reputation in Nuerland. There are, however, persons whose activities are considered entirely anti-social, and who thus fall into the category of witches, whatever the circumstances.

Witchcraft

Apart from *gwan wal* or owners of medicines who have acquired an evil reputation, witches are possessors of the evil eye, called *peth* in Nuer, who are believed to cause harm and even death to those who cross their path in anger, and sometimes without any motive at all other than the inherent evil of their personalities. The *rodh* or ghoul is also a kind of witch who is particularly associated with the performance of hideous rites upon the bodies of the newly dead, thereby gaining some control over the souls of their surviving relatives.[1]

In the common action of the community against witchcraft we find perhaps the only conception among the Nuer which even approaches the notion of criminal or public law. Nuer say that in the past witches of these kinds were often killed with at least the tacit consent of the whole community to which they belonged. There are, however, no authenticated cases on record. The *rodh* might be killed with impunity, provided that blood was not spilt and no injuries to his head were inflicted by his assailants. The *peth* might be killed without grave danger of retaliation and, if composition was demanded, only six head of cattle need be paid to the kinsmen. It is doubtful if anything was paid in such circumstances. Accusations of the evil eye are fairly common today, but I have no details of the possessors being killed in the past.

It is worth adding that among many primitive peoples unnatural offences and bestiality are treated as public delicts and punished by ostracism, exile, or even death. Such offences are conspicuous by their absence among the Nuer. During several years in Nuerland I only heard of one actual instance. This occurred in Gaawar country, where a headman of considerable standing admitted such an offence with a cow. This was regarded as a grave misfortune, though the reaction was one of pity for the culprit rather than indignation. It was held that both he and the cow would die. As an act of expiation he cut off one of his own fingers with a spear and, accompanied by sacrifice, this was considered an effective antidote. In the absence

[1] See Howell and B. A. Lewis, 'Nuer Ghouls, a Form of Witchcraft', *S.N.R.*, 1947.

8:Howell E, G-5 (1942-1944)1954
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of further evidence it is not possible to expand on this subject. Nuer simply say that a man who commits such an offence will surely die. The ritual sanctions must be very effective.

Actions against Witches Today

In all cases of accusations of witchcraft appearing before modern Nuer courts of which I have any record, the accused was submitted to searching examination and evidence of a sort was taken. The facts seemed hard to prove, but by reference to the character of the accused (anything in the nature of incessant ill-temper, shrewishness, and general unpopularity backed by definite instances of misfortune among the accusers), the members of the court usually came to a decision. The matter was not treated lightly, and it is a fact that the large majority of such cases were dismissed as frivolous, and in some instances the plaintiff was punished for false accusation (*lorjok*)[1]. Sentences of imprisonment were sometimes inflicted, in most instances on women who were suffering ill-treatment from their neighbours and would be better out of the way for a while. Imprisonment, an idea entirely alien to the Nuer, somehow acted as a form of expiation or purification, and I have noted that in nearly all cases the woman went back to live unmolested among her neighbours.

Oaths

In connexion with Nuer religious beliefs which have bearing on the study of law and the procedure of courts today, oaths must be mentioned. The ceremony is usually performed by the Leopard-Skin Chief, who is called in for this purpose. There are two common forms of oath, the first called *kweng*, *kwil*, or *kap tang* ('to hold the spear-shaft'), which is used in a variety of circumstances, while *math* (literally, 'to drink') is the form often employed in cases of unconfessed homicide. The taking of an oath is not an individual process carried out by one man alone. In the former ceremony both accuser and accused are expected to take part, and it amounts to something of an ordeal between them; in the latter, where there is no known accused, those suspected and all their kinsmen are expected to participate.

It should be noted that the use of such oaths, especially in court, is not encouraged by the Government. Moreover, although the participants are often willing enough, the onlookers are afraid for them and nearly always persuade them to take some other course. Nuer chiefs and court members frown on the practice for this reason and not only because they know that the procedure is not in keeping with Government policy.

[1] See p. 70.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

are brewed and a bullock or sheep is killed. It seems that they do not always kill an animal but they must do so when it is an eldest son who is being initiated or a boy whose eldest brother has died. Members of the father's age-set eat the meat at night and they alone. During the night they sing songs amid the cattle. On the following day, in the afternoon, they drink beer and leap about behind the bullocks and there is a lot of horseplay. The womenfolk seize the penises of members of their husbands' age-set, the father of an initiated boy especially being subject to this treatment. They tie cord to the penises of the men and pull them while the men retaliate by tugging at the skin aprons of the wives of their age-mates. A man of the age-set of the father of an initiate will lift up the apron of his wife (the boy's mother) and will utter a ceremonial cry into her vagina. This man is generally the woman's *cocanda*, that is to say a paternal cousin of her husband. Only members of the father's age-set and their wives will partake in this horseplay in the homestead of the father of the initiate. Thus if the boy is the son of a *maker* all members of the *maker* age-set will take part in the festivities, together with their wives, while members of the other age-sets, *e.g.*, the *Dangunga*, will have their own fun in a neighbouring homestead with their wives. Younger people will not go near these festivities of their elders because they might see the genitals of their mothers and aunts. All those who have married daughters of the men who are sporting themselves will also give the festivities a wide berth lest they should see the nakedness of their mothers-in-law. This dance is called *bul ruathni* or *bul ruath dholi*. They say that they make this horseplay because they are glad that their child has become a man.

After the cutting, which is called *gar*, the boys are shut up in a hut. This is not built for the purpose but is temporarily vacated by the women of the family in whose homestead the operation has taken place.

Between the cutting and the ceremonial exit from the period of convalescence the boys are known as *cöt*. The boys suffer excruciating pain during the first two days or so after the operation and nothing can be done to relieve their agony. These first few days are recognised as being a time of great danger for the boys since the wounds may break open again and great loss of blood ensue. Youths and girls are prohibited from visiting the boys during this period since they are likely to be sexually unclean. Especially are pregnant women kept away from the vicinity